

Notice of Allowability	Application No.	Applicant(s)	
	10/618,620	CHEN ET AL.	
	Examiner	Art Unit	
	Carla Myers	1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 22, 2006.
2. ☒ The allowed claim(s) is/are 1, 10, 11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/6/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Morton Rosenberg on June 6, 2006.

The application has been amended as follows:

In claim 1, line 3, after "detecting", -- the -- has been inserted.

In claim 1, line 5, "in CD81 gene" has been deleted and -- in a CD81 gene -- has been inserted therefore.

In claim 10, line 2, after "detecting", -- the -- has been inserted.

In claim 11, line 4, "of haplotype in CD81 gene" has been deleted and -- of a haplotype in a CD81 gene -- has been inserted therefore.

In claim 11, line 7, "C at rs800136, a C at rs800137" has been deleted and -- CC haplotype for single nucleotide polymorphisms at rs800136 and rs800137 -- has been inserted therefore.

The title has been amended to read:

--METHOD FOR DETECTING A PROPENSITY OF AN INDIVIDUAL TO RESPOND EFFECTIVELY TO TREATMENT OF INTERFERON-ALPHA AND RIBAVIRIN COMBINED THERAPY—

Examiner's Comment:

A. Support for the amendment to claim 11 may be found at, for example, Figure 18. Further, it is noted that the specification defines each of the claimed polymorphisms with respect to their rs# in Figure 9. In particular, in Figure 9, the polymorphism at rs800136 is defined as a C/T polymorphism at nucleotide 1659 of SEQ ID NO: 46; the polymorphism at rs800137 is defined as a C/T polymorphism at nucleotide 2195 of SEQ ID NO: 46; the polymorphism at rs800334 is defined as a G/T polymorphism at nucleotide 15563 of SEQ ID NO: 46; the polymorphism at pos198603 is defined as a G/A polymorphism at nucleotide 15640 of SEQ ID NO: 46; the polymorphism at rs2522012 is defined as a G/T polymorphism at nucleotide 17291 of SEQ ID NO: 46; the polymorphism at rs2522013 is defined as a C/A polymorphism at nucleotide 17292 of SEQ ID NO: 46; and the polymorphism at rs800335 is defined as a C/T polymorphism at nucleotide 17331 of SEQ ID NO: 46.

B. The drawing correction for Figure 1 submitted May 22, 2006 is acceptable and has been entered.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carla Myers whose telephone number is (571) 272-0747. The examiner can normally be reached on Monday-Thursday from 6:30 AM-5:00

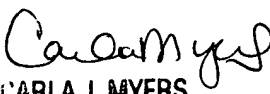
Art Unit: 1634

PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571)-272-0735.

The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

Carla Myers
June 7, 2006


CARLA J. MYERS
PRIMARY EXAMINER